

ORDINANCE NO. 13

SERIES 2021

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
CREATING A NEW LAND USE DEFINITION OF EMPLOYEE DWELLING AND
AMENDING ARTICLES 1, 5 AND 16 OF
CHAPTER 16 OF THE TOWN CODE**

WHEREAS, the Town of Crested Butte, Colorado ("Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Colorado Constitution and laws of the State of Colorado; and

WHEREAS, Section 1-3-70 of the Town's Municipal Code requires that amendments to the Code be done by an ordinance; and

WHEREAS, the Town finds that changes to the Town's zoning code in Chapter 16 of the Code regarding the addition of a new land use classification called "Employee Dwelling" promotes the purposes in Section 16-1-10 of the Code by enabling employers to provide on-site employee housing for their employees; and

WHEREAS, this new land use definition identified as a conditional use with the T, B1, B2, B3, B4, and C zone districts, as well as the associated and amended parking requirements, will promote employee housing and long-term rental housing, which is a goal and priority of the Crested Butte Town Council and the Town; and

WHEREAS, the Town's Board of Zoning and Architectural Review considered the proposed amendments to the Town Code set forth herein on June 29, 2021, and voted to recommend such amendments to the Town Council for approval; and

WHEREAS, the Town Council has determined that the amendments to the Town Code sections set forth herein will protect the public health, safety, and welfare of the Town's residents and visitors to the Town and further promote the Town's efforts to support affordable housing and preserve the character of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CRESTED BUTTE, COLORADO,**

Section 1. **Sec. 16-1-20 of Chapter 16** of the Town Code is amended to add the following Definition:

Employee Dwelling means a studio or one-bedroom residential dwelling unit that is a subordinate and incidental use to a mixed use structure or commercial/retail use structure on the same building site. An employee dwelling must always remain in common ownership with a mixed use structure or a commercial/retail use structure on the same buildingsite. Except as provided below, an

Employee dwelling shall be used exclusively as a long-term rental and shall not be used as a short-term rental. In the event that the owner of an employee dwelling unit for which a conditional use is granted, owns and uses for his or her own use another nonresidential unit as a permitted use or an approved conditional use within the same building, the owner may occupy the employee dwelling unit. Only an owner conducting business himself or herself in his or her nonresidential mixed use or commercial/retail unit may occupy his or her employee dwelling unit. Leasing the nonresidential unit to another person for his or her use is not considered using for his or her own use or conducting business himself or herself under this definition.

Section 2. Article 5 of Chapter 16 of the Town Code is amended by adding *Employee Dwelling* as conditional uses in the "T", "B1", "B2", "B3", "B4", and "C" districts, respectively (changes to existing Code underscored).

Sec. 16-5-30. Conditional uses.

The following uses shall be permitted as conditional uses in the "T"

District:

(27) Employee Dwellings.

16-5-130. Conditional uses.

The following uses shall be permitted as conditional uses in the "B1"

District:

(14) Employee Dwellings.

16-5-230. "B2" Conditional uses.

The following uses shall be permitted as conditional uses in the "B2" District:

(18) Employee Dwellings.

16-5-330. "B3" Conditional uses.

The following uses shall be permitted as conditional uses in the "B3" District:

(6) Employee Dwellings.

16-5-430. "B4" Conditional uses.

The following uses shall be permitted as conditional uses in the "B4" District:

(5) Employee Dwellings.

16-5-530. "C" Conditional uses.

The following uses shall be permitted as conditional uses in the "C" District:

(22) Employee Dwellings.

Section 3. Article 16 of Chapter 16 of the Town Code is amended to the following off-street parking requirements (changes to existing Code underscored).

Sec. 16-16-20. Off-street parking requirements.

Requirements for off-street parking are established as follows:

(4) Accessory dwellings and Employee dwellings: one (1) space for a residential unit studio or a one-bedroom unit; two (2) spaces for a unit having two (2) or three (3) bedrooms; three (3) spaces for a unit having four (4) bedrooms; and an additional space for each two (2) bedrooms more than four (4).

(17) Deed restricted residential units: one (1) space for a residential unit studio or a one-bedroom unit; two (2) spaces for a unit having two (2) or three (3) bedrooms; three (3) spaces for a unit having four (4) bedrooms; and an additional space for each two (2) bedrooms more than four (4).

Section 4. **Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 5. **Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

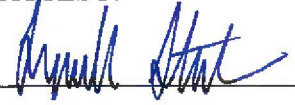
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 19th DAY OF JULY, 2021.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS ^{3rd} DAY OF August, 2021.

TOWN OF CRESTED BUTTE, COLORADO

By: 
James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

